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EXAMINER

CHUONG, TRUC T

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,105

Applicant(s)

REID, GLENN

Examiner

Truc T. Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6-14,16-23,25-31,33-40,42-45,47-50,52-55,57,59-61,63-65,67-69,71-73 and 75-84.

Continuation of Disposition of Claims: Claims rejected are 1-4,6-14,16-23,25-31,33-40,42-45,47-50,52-55,57,59-61,63-65,67-69,71-73 and 75-84.

DETAILED ACTION

This communication is responsive to the Amendment, filed 08/22/05.

Claims 1-4, 6-14, 16-23, 25-31, 33-40, 42-45, 47-50, 52-55, 57, 59-61, 63-65, 67-69, 71-73, and 75-84 are pending in this application. In this amendment, claims 1, 11, 20, 28, 37, 42, 47, 52, 57, 61, 65, 69, 73, 76, 79, and 82 are independent claims, claims 1, 11, 20, 28, 37, 42, 47, 52, 58, 61, 65, and 69 are amended, and claims 5, 15, 24, 32, 41, 56, 58, 62, 66, and 74 are cancelled. This action is made final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-14, 16-23, 25-31, 33-40, 42-45, 47-50, 52-55, 57, 59-61, 63-65, 67-69, 71-73, and 75-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Foreman et al. (U.S. Patent No. 6,628,303 B1).

As to claim 20, Foreman teaches a processing system for collecting a time based stream of information to generate a presentation comprising:

(i) means for communicating with an information source having a time based stream of information (e.g., a video editing system for editing video information which

can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);

(ii) means for presenting capture information from the time based stream of information on a portion of the display device, while the capture information is acquired from the information source in a capture mode, the capture mode to import the time based stream of information into the system (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9);

(iii) means for presenting process information for constructing the presentation on the display device (The software providing the editing instructions and graphical user interface to access these instructions is also designed to interact the video player, e.g., col. 7 lines 9-11); and

(iv) means for presenting on the display at least one enabled control element to edit the information while the time based stream of information is imported into the system {Foreman inherently discloses the features because the system of Foreman can be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention. Therefore, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode,

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which means the edit mode is enable, as shown in figs. 8-11 (and capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12)).

As to dependent claim 21, Foreman teaches the system further including a means for capturing the time based stream of information from the information source (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9).

As to dependent claims 22-23, Foreman teaches that the capturing is by executing an interrupt procedure (When the user has finished capturing the selected motion video information, the stop button is depressed and the data file on the hard disk is closed, e.g., col. 10 lines 20-25, and if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time rate when capturing images by the camcorder and displaying the images on the display area 120 as shown in figs. 8-11).

As to claim 25, Foreman teaches the system of claim 20, wherein at least one of the enabled control elements is to perform side operations (e.g., col. 3 lines 55-59).

As to dependent claim 26, Foreman teaches the system further including a means for presenting an edit output on the same portion of the display for presenting the capture information (entire captured movie/clip can be viewed on the viewer window, e.g., figs. 8 and 13).

As to dependent claim 27, Foreman teaches presenting of capture information is automatic in response to the communicating with the information source (other capturing devices are also connected to the editing system, e.g., col. 5 lines 35-50).

As to claims 1-4, 6, and 9-10, they are the equivalent method claims of system claims 20-23, and 25-27 respectively and are rejected under a similar rationale.

As to dependent claim 7, Foreman teaches one of the enable control elements is output control (fig. 10 shows the Effects screen is selected for editing, and the editor can control the outputs such as Play, Volume, and inserting effects to the screen for display).

As to claim 11, Foreman teaches a processing system for generating a presentation of a time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of intonation (e.g., col. 2 lines 45-61 and fig. 8);

B) a display device (e.g., figs. 8-10); and

C) a processor coupled to the capture port and to the display device, the processor configured to:

- i. complicate with an information source having a time based stream of information through the capture port (e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64- col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);
- ii. present capture information from the time based stream of infatuation on a portion of the display device while the capture information is acquired from the information source in a capture mode, the capture mode to import the time based stream of information into the system (capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9);

- iii. present process information for constructing the presentation on the display device (The software providing the editing instructions and graphical user interface to access these instructions is also designed to interact the video player, e.g., col. 7 lines 9-11); and
- iv. present on the display at least one enabled control element to edit the information while the time based stream of information is imported into the system {Foreman inherently discloses the features because the system of Foreman can be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention. Therefore, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (and capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12)}.

As to claims 12-14, and 16-19, these are the equivalent system claims of method claims 2-4, 6-7 and 9-10 respectively and are rejected under a similar rationale.

As to claim 8, it is the equivalent method claim of system claim 17 and is rejected under a similar rationale.

As to claims 28-31, 33 and 35-36, these are the equivalent program product claims of system claims 20-23, and 25-27 respectively and are rejected under a similar rationale.

As to dependent claim 34, Foreman teaches that the capturing is by executing an interrupt procedure (When the user has finished capturing the selected motion video information, the stop button is depressed and the data file on the hard disk is closed, e.g., col. 10 lines 20-25).

As to claims 42, 37, and 76, Foreman teaches a processing system for generating a presentation of a time based stream of information, the system comprising:

A) a capture port for acquiring the time based stream of information (e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9);

B) a display device (figs. 7-12); and

C) a processor coupled to the capture port and to the display device (a computer system to perform editing tasks, e.g., col. 5 lines 20-57), the processor configured to:

i) detect an information source having a time based stream of information in communication with the processing system (e.g., a video editing system for editing video information which can be captured directly into a timeline, col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9), and

ii) automatically present capture information from the time based stream of information on a display in response to detecting (col. 1 line 64-col. 2 line 8, col. 9 lines 51-58, and figs. 8-9), while the capture information is acquired from the information

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source in a capture mode, the capture mode to import the time based stream of information into the system {Foreman inherently discloses the features because the system of Foreman can be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention. Therefore, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (and capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12)}, wherein the capture information is displayed a the same rate or substantially the same rate as the transfer rate for the time based stream of information using an interrupt procedure (the system of Foreman can be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention. Therefore, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system is importing and displaying the video information

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with the same time as a synchronized speed as the camcorder during recording/viewing images; it also means the system and camcorder are receiving data as the same rate and time).

As to claim 38, this is the equivalent method claim of system claim 27 and is rejected under a similar rationale.

As to dependent claim 39, Foreman teaches the detecting is by receiving a signal from the information source through a capture port on the processing system, and wherein the automatically presenting comprises opening a window on the display device (Foreman inherently discloses the features because the system of Foreman can be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention. Therefore, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (and capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12).

As to claim 40, it is the equivalent method claims of system claim 21 and is rejected under a similar rationale.

As to claims 43-44, they are the equivalent system claims of method claims 38-39 respectively and are rejected under a similar rationale.

As to dependent claim 45, it is equivalent to system claim 21 and is rejected under a similar rationale.

As to claims 47-50, they are the equivalent system claims of method claims 37-40 respectively and are rejected under a similar rationale.

As to claims 52-56, they are the equivalent product claims of system claims 47-51 respectively and are rejected under a similar rationale.

As to claims 57 and 73, they are the equivalent method claim of system claim 42 and are rejected under a similar rationale; and Foreman also teaches (C) presenting an edit output on the viewing portion of the display during an edit mode (figs. 8-12).

As to claim 59, Foreman inherently discloses the features because the system of Foreman can be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary ways as also explained throughout the invention. Therefore, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (and capture mode, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12).

As to claim 60, this is the equivalent method claim of system claim 25 and is rejected under a similar rationale.

As to claim 61, this is the equivalent system claim to generate a presentation of a time based stream of information of system independent claim 42 combined with the method claim 57. Note the rejections of claims 42 and 57 above.

As to claims 63-64, these are system claims of method claims 59-60. Note the rejections of claims 59-60 above respectively.

As to claims 65, and 67-68, these are the equivalent system claims of method claims 57, and 59-60 respectively and are rejected under a similar rationale.

As to claims 69, and 71-72, these are the equivalent program product claims of system claims 65, and 67-68 respectively and are rejected under a similar rationale.

As to dependent claim 75, Foreman teaches the editing window includes a toggle control, element to switch between capture and edit mode within the editing window (fig. 8 shows record and stop buttons on the editing window).

As to dependent claim 77, Foreman teaches the automatically engage is in response to the detect (the system will detect if the capture mode is selected to start recording/bringing the clips into the destination, e.g., col. 2 lines 45-67, col. 9 lines 23-35, 51-56, and figs. 8-9).

As to claim 78, this is the equivalent system claim of claim 75 and is rejected under a similar rationale.

As to claims 79-81, these are the equivalent system claims of method claims 73, 75, and 77 respectively and are rejected under a similar rationale.

As to claims 82-84, these are the equivalent program product claims of method claims 73, 75, and 77 respectively and are rejected under a similar rationale.

Response to Arguments

3. Applicant's arguments filed in Amendment filed 08/22/05 have been fully considered but they are not persuasive.

Applicant has argued and Examiner disagrees with the following reasons:

a. *Foreman fails to disclose that presenting on the display at least one enabled control element to edit the information is performed while the time based stream of the information is imported into the system (or Foreman can only start the editing features after clips for a movie have been captured).*

Foreman inherently discloses the claimed features because the system of Foreman can be either captured video information, which currently being received, for displaying at the display area 120 directly from the camcorder without using the video information from other storages such as the videotape of the camcorder, bin, other memory (e.g., col. 9 lines 20-32, and col. 10 lines 27-33), or the user can capture/get the video information from other storages as ordinary way as also explained throughout the invention. Therefore, if the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time the user can switch to the editing mode, which means the edit mode is enable, as shown in figs. 8-11 (and capture mode, e.g., col. 2 lines

45-67, col. 9 lines 23-35, 51-56; switching to different windows and sub-windows, and figs. 8-12).

- b. *Foreman fails to teach displaying the captured information at the same rate or substantially the same rate as the transfer rate for the time based stream of information.*

If the user sends direct signal to the camcorder for capturing video information (not from other storages), the system will be importing the video information with the time line (as explained above) at the same time rate when capturing images by the camcorder and displaying the images on the display area 120 as shown in figs. 8-11 (e.g., col. 9 lines 20-32, and col. 10 lines 27-33). The system is importing and displaying the video information with the same time as a synchronized speed as the camcorder during recording/viewing images; it also means the system and camcorder are receiving data as the same rate and time.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

11/09/05

BA HUYNH
PRIMARY EXAMINER